

### REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1-19 are pending in the present application. Claims 8-19 are newly added by the present amendment. Support for new Claims 8-19 can be found at least at paragraphs [0018] and [0023] of the originally filed disclosure. No new matter is presented.

In the Office Action, Claims 1-7 are rejected under 35 U.S.C. § 102(e) as anticipated by Kuzunuki et al. (U.S. Pub. 2005/0144049, herein Kuzunuki).

As an initial matter, Applicants appreciatively acknowledge the courtesy extended by Examiner Daglawi in holding a personal interview with the undersigned on August 17, 2009. During the interview, an overview of the invention was presented and differences between independent Claims 1, 3 and 6 were discussed. As a result of the discussion, Examiner Daglawi indicated that the rejection based on Kuzunuki would be withdrawn. A summary of the differences between independent Claims 1, 3 and 6 and Kuzunuki, as discussed during the interview, is summarized below.

Independent Claim 1, for example, recites, in part, a user guidance system comprising:

communication history receiving means for receiving communication history information which is history information of communication of a mobile communication terminal in a communication network;

traffic information generating means for receiving from a base station in the communication network, resource state information indicating a usage state of resources of the base station and for ***generating communication traffic information about a communication traffic at the base station, using the resource state information and the communication history information;***

dissatisfaction calculating means for ***calculating a dissatisfaction*** with a recommended action being an action recommended to a user of the mobile communication terminal, based on the communication history information received by the communication history receiving means ***and the communication traffic information generated by the traffic information generating means;***

recommended action extracting means for, based on dissatisfactions with a plurality of recommended actions calculated by the dissatisfaction

calculating means, extracting a recommended action for the user to be notified of, out of the plurality of recommended actions; and  
information transmitting means for transmitting the recommended action extracted by the recommended action extracting means, to the mobile communication terminal.

Independent Claims 3 and 6, while directed to alternative embodiments, recite similar features. Applicants further note that each of independent Claims 1, 3 and 6 are drafted to invoke interpretation under 35 U.S.C. § 112, sixth paragraph, and should be construed accordingly.

As discussed during the interview, and as disclosed in the originally filed specification, the claimed configuration uses the communication history of a mobile station, as well as information regarding traffic at a base station, to recommend an action to the mobile station to establish a more reliable connection to the base station. A dissatisfaction, based on the various parameters described in paragraphs [0020] – [0023] of the originally filed specification, for example, is calculated for each of a plurality of potential recommended actions, and the potential recommended action having the least amount of dissatisfaction is supplied to the mobile communication terminal.

In rejecting each of the features of all the pending claims, the Office Action relies on paragraphs [0054] – [0057], [0101] – [0114], [0126], [0133] of Kuzunuki. These cited portions of Kuzunuki, however, are directed to a system for providing geographical navigational information and other guidance to a user wishing to visit specific landmarks. Moreover, while Fig. 26 and paragraph [0133] do refer to “congestion processing”, this processing determines the congestion of people existing in a single geographical location and is not related to resource congestion at a base station.

Therefore, Kuzunuki fails to disclose at least “receiving from a base station in the communication network, resource state information *indicating a usage state of resources of the base station* and for generating *communication traffic* information about a

communication traffic at the base station, using the resource state information and the communication history information” and “*calculating a dissatisfaction* with a recommended action being an action recommended to a user of the mobile communication terminal, based on the communication history information received by the communication history receiving means and *the communication traffic information* generated by the traffic information generating means.”

As described above, the claimed “recommended action” is an action taken in an effort to improve the reliability or connection between the mobile communication terminal and the base station. Further, this recommended action is based on the usage state of resources at the base station, a communication history of the mobile terminal, etc. In Kuzunuki, on the other hand, the recommended action is merely navigation or guidance information provided to a user of the mobile terminal, which has nothing to do with the use of system resources at the base station, communication history of the terminal, dissatisfaction with a recommended action etc.

Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of Claims 1, 3 and 6 (and Claims 2, 4-5 and 7, which depend therefrom) under 35 U.S.C. § 102 be withdrawn.

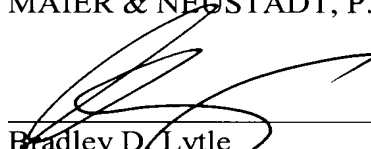
Further, new Claims 8-19 are added, which each depend from one of Claims 1, 3 and 6, and find support at least at paragraphs [0018] and [0023] of the originally filed disclosure. Applicants respectfully submit that these claims are patentable at least by virtue of dependency from Claims 1, 3 and 6, but also submit that these claims recite features clearly not disclosed by Kuzunuki.

As Applicants have not amended the claims in response to any rejection of record, should a further rejection be applied in the next Action based upon newly cited prior art, Applicants submit that such an action **cannot properly be considered a Final Office Action**.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-7 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)  
1091628\_1.DOC

Andrew T. Harry  
Registration No. 56,959